

REMARKS

This is in response to the Office Action dated June 13, 2006. No extensions of time are believed to be necessary. The claims in the case are claims 24, 25, 27, 28, 34, 35, 38, 40 and 53-63. Applicants acknowledge with appreciation, allowance of claims 24, 25, 27, 28, 34, 35, 55-57 and 60-62. Claims 40, 53, 54, 58, 59 and 63 stand rejected. The Examiner has not indicated the disposition of claim 38 on the form PTOL-326, however, Applicants believe that claim 38 is allowable as well (see paragraph 5 of the Office Action). Upon entry of this amendment, only the allowed claims (claims 24, 25, 27, 28, 34, 35, 55-57 and 60-62) remain in the application.

Applicants wish to thank the Examiner for the discussion which took place with Dr. Brian Cocca, Ph.D. (Reg. No. 58,583) on August 8, 2006. During the Interview, the Examiner indicated that although the Examiner had proposed an Examiner's Amendment to bring the kit claims in condition for Allowance, the Examiner indicated that despite the Examiner's proposed amendments, the kit claims were still not in condition for allowance.

The header for the "Brief Description of the Drawings" is amended herein to correct an obvious error.

Applicants hereby amend claims 24, 27, and 38, as helpfully suggested by the Examiner to change the term "comprises" to "is selected from" prior to the phrase "binding to a histamine H3 receptor."

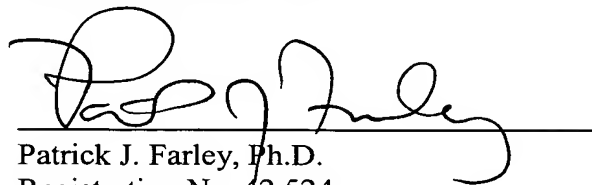
In order to expedite allowance of the case, and while not conceding the correctness of the rejection of claims 40, 53, 54, 58, 59 and 63, Applicants request cancellation of claims 40, 53, 54, 58, 59 and 63 without prejudice and without disclaimer as to the subject matter thereof.

DOCKET NO.: JJPR-0043
Application No.: 10/727,021
Office Action Dated: June 13, 2006

PATENT

Applicants respectfully submit that the claims are in condition for allowance, which action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patrick J. Farley', is written over a horizontal line.

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